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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

DONALD NOBLES, Individually and on Behalf)
 of All Others Similarly Situated,)

Plaintiff,)

v.)

MBNA CORPORATION,)
 MBNA AMERICA BANK, N.A.,)
 MBNA MARKETING SYSTEMS, INC., BANK)
 OF AMERICA CORPORATION,)

Defendants.)

Case No. C-06-3723 SBA

**JOINT STIPULATION AND ORDER
 CONTINUING HEARING DATE FOR
 DEFENDANTS' MOTION TO DISMISS
 FIRST AMENDED COMPLAINT**

STIPULATION

Defendants MBNA Corporation, MBNA America Bank, N.A., MBNA Marketing Systems, Inc., and Bank of America Corporation (“Defendants”), on the one hand, and Plaintiff Donald Nobles (“Plaintiff”), on the other hand, through their respective counsel of record, pursuant to Civil L.R. 6-1(b), hereby stipulate and agree as follows:

WHEREAS, as a result of Court-ordered changes, the Case Management Conference is currently scheduled for November 15, 2006, at 3:00 p.m., via telephone;

WHEREAS, the Court, on its own motion, recently continued the hearing on Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint to November 14, 2006 at 1:00 p.m. from October 24, 2006, a date previously agreed upon among counsel and approved by the Court;

WHEREAS, all of the briefing on Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint has been completed and all briefs have been filed;

WHEREAS, prior to the Court’s continuance of the hearing on Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint to November 14, 2006, counsel for Defendants who will be appearing at that hearing had committed to an out-of-state trip for business meetings and firm partnership meetings that would preclude his appearance at a hearing on November 14, 2006;

IT IS HEREBY STIPULATED, by and between the Parties, through their respective counsel of record, subject to the approval of the Court, that the hearing on Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint for the above-captioned case be continued as follows:

1. The hearing on Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint, currently set for November 14, 2006 at 1:00 p.m., shall be continued to November 28, 2006, at 1:00 p.m.;

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2. This Stipulation does not change the date for the Case Management Conference,
currently scheduled for November 15, 2006.

DATED: October ____, 2006

ARNOLD & PORTER LLP

By: /S/ Laurence J. Hutt
LAURENCE J. HUTT
Attorneys for Defendants

DATED: October ____, 2006

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP

By: /S/ Ex Kano S. Sams II
EX KANO S. SAMS II
Attorneys for Plaintiff

ORDER

Based upon the foregoing Stipulation of the parties and good cause appearing therefor,
IT IS SO ORDERED.

DATED: 10/30/06


THE HONORABLE SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT JUDGE

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